

ACTION MINUTES

KANSAS STATE BOARD OF TECHNICAL PROFESSIONS BOARD MEETING

900 SW JACKSON, STE 507, TOPEKA KS 66612

Friday, December 16, 2016

The meeting was called to order at 10:00 a.m. by Chair Henthorne.

Members present were:

Maurice Bowersox, P.E.

Steve Brosemer, P.S.

Forrest Erickson, P.E.

Larry Graham, P.E., P.S.

William Haverkamp, P.S.

Robert Henthorne, P.G.

David Hoffman, Architect

Edward Holloran, Public Member

Joseph Johnson, Architect

Vincent Mancini, Architect

Eric Wimmer, Architect, Public Member

Members absent were:

Richard Hayter, Ph.D., P.E.

Carisa McMullen, Landscape Architect

Others present were:

Mark Bennett, Attorney for the Board

Tom Luedke, Attorney

Shelby Lopez, Executive Director

Sarah Easter, Assistant Director

Tammy Matchett, Public Service Administrator

I. MINUTES

A. Approval of minutes of the September 16, 2016 meeting (previously distributed)

By motion of Mr. Graham, seconded by Mr. Bowersox, the Board voted to approve the Minutes of the September 16, 2016 meeting.

II. ADDITIONS OR ADJUSTMENTS TO THE AGENDA

There were no additions or adjustments to the agenda.

III. REVIEW AND APPROVAL OF CONSENT AGENDA

By motion of Mr. Erickson, seconded by Mr. Wimmer, the Board voted to approve the Consent Agenda.

IV. PUBLIC COMMENTS – 10:15 AM

There were no members of the public present to make public comment.

V. EXECUTIVE SESSION

No Executive Session held.

VI. Attorney Report

A. Athena Andaya, Deputy Attorney General

Ms. Andaya was not present. Mr. Bennett gave a brief summary of settlement agreement and consent orders set by the Complaint Committee and introduced Tom Luedke to the Board as future counsel.

VII. REVIEW OF INQUIRIES/COMPLAINTS & ATTORNEY REPORTS

A. Complaint Files – Report from Complaint Committee – Chair Brosemer

1. Report of Case Files with final action taken by the committee.

Mr. Brosemer reported on Case Files with action taken by the Complaint Committee. The committee dealt with all of the existing cases according to the Rules and Regulations. Three hearing panels were appointed by the Board.

B. Receipt of Complaint Committee Report

By motion of Mr. Graham, seconded by Mr. Wimmer the Board voted to receive and file the Complaint Committee Report.

C. Legal Matters/Correspondence

The Board reviewed the amount of fines and costs collected due to settlement agreements from the start of the current fiscal year. The Board held discussion on removing item i from future

Settlement Agreement and Consent Orders due to Ms. Andaya's previous direction to Ms. Lopez. By motion of Mr. Graham, seconded by Mr. Mancini, the Board voted to immediately remove item i on any Settlement Agreement and Consent Orders from this date forward and for the Board to not take action on any previous Settlement Agreement and Consent Orders. The Board asked Ms. Lopez to request guidance from Ms. Andaya regarding the approval of SACO's by the full board.

D. Assign hearing panels as needed

1. Case File 14-39

Mr. Haverkamp and Mr. Johnson were appointed as the hearing panel for Case File 14-39.

2. Case File 16-12

Mr. Erickson and Ms. McMullen were appointed as the hearing panel for Case File 16-12.

3. Case File 16-16

Mr. Hoffman and Mr. Hayter were appointed as the hearing panel for Case File 16-16.

IX. COMMITTEE AND ADMINISTRATIVE REPORTS

A. ARCH/LA/PG Committee – Committee Chair Mancini

1. Report of Committee Actions

Mr. Mancini reported on the actions of the Committee including the review of applications and an approved motion for Ms. Lopez to send correspondence to the University of Kansas to address the future compliance of the IPAL program with the Board.

2. Discussion of Committee Items

Mr. Mancini reported that the Committee discussed the following: Current status of regulation change in 66-9-7; ASBOG's annual meeting held in November and improved outreach among examinees; NCARB's A.R.E 5.0 launch and successful transition, as well as approved memorandum for New Zealand/U.S./Australia architects; Use of "Intern Architect" or "Architectural Intern"; Use of "Professional Architect" on seal. Board held discussion on seal requirements and proposed sharing examples of each seal on the website.

By motion of Mr. Mancini, seconded by Mr. Graham, the Board voted to announce in the upcoming January newsletter that from the date of the newsletter's release the term "Professional Architect" will not be approved on seals by the Board and any seal with "Professional Architect" made before this date will be allowed to remain in use.

3. Receipt of Committee Report

By motion of Mr. Johnson, seconded by Mr. Graham the Board voted to receive and file the Committee's Report.

B. PE/PS Committee – Committee Chair Graham

1. Report of Committee Actions

Mr. Graham reported on the actions of the Committee including the review of applications, of which not all were approved, as well as denied requests for examination retakes.

2. Discussion of Committee Items

Mr. Graham reported the Committee discussed the following: ABET accreditation from NCEES; Website update for KSBTP not requiring EIT Certificate for PE Exam applications; Nomination of Dick Hayter for NCEES' Meritorious Service recognition; the Washington Accord as it pertains to countries other than Canada; Use of "Engineer" on business cards after an individual passes the F.E. exam; and the Board's policy to not endorse continuing education courses or seal manufacturers to licensees.

3. Receipt of Committee Report

By motion of Mr. Haverkamp, seconded by Mr. Halloran the Board voted to receive and file the Committee's Report.

C. Other Committee Reports

1. Building Officials Brochure (BOB) Committee – Chair Hoffman

Ms. Lopez shared the locations at which the BOB has been distributed as well as the amount distributed. Mr. Mancini recommends Ms. Lopez provide the BOB to contacts in Garden City, KS. Mr. Hoffman requested the Board revisits and/or updates the BOB in three years' time. By motion of Mr. Johnson, seconded by Mr. Haverkamp, the Board voted to accept Mr. Hoffman's recommendation of a three year cessation of the BOB Committee.

2. Legislative Committee – Chair Hoffman

Mr. Hoffman reported that there is no new business; in upcoming meetings Mr. Hoffman suggests the Board review the IPAL program. Mr. Brosemer reported the KSLs Board is in the process of revision and recommends an update of KSBTP regulations as soon as the revisions are provided. By motion of Mr. Johnson, seconded by Mr. Haverkamp, the Board voted to place a review of the KSLs standards on the next upcoming board agenda in April.

D. Administrative Report

1. Administrative Update

Ms. Lopez presented the Administrative Update and announced a temporary employee has been hired to fill a vacant position at the Board. Ms. Lopez reviewed her recent attendance at national associations to include: CLARB Annual Meeting, FARB Regulatory Law Seminar, NCARB Member Board Chair/Member Board Executive Summit, ASBOG Annual Meeting, and participation in a planning committee for the NCEES Zone Meeting in Colorado. Ms. Lopez summarized her latest outreach efforts made in various locations in Kansas.

2. Budget Update

Ms. Lopez provided an update on current spending for FY 2017 and reported on the responses received from the Department of Budget and Office of the Chief Financial Officer when requesting to transfer KSBTP Fee Funds to KSBTP Special Litigation Fund. The Board discussed the future course of action should the Special Litigation Fund is used, no action was taken.

By motion of Mr. Graham, seconded by Mr. Bowersox the Board voted to receive and file the administrative update.

X. CORRESPONDENCE

A. Darin Seidel email regarding use of digital seals

The Board directed Ms. Lopez to craft a letter to be sent to the League of Kansas Municipalities stating that local municipalities cannot require professionals to provide digitally sealed files and then invalidate the signature by requiring the professional to place their city “approval” stamp or other markup on the documents. Additionally, the Board endorses the Seals & Signatures FAQs be updated to reflect Mr. Seidel’s question.

XI. UNFINISHED BUSINESS

A. Seals and Signatures Clarifications

The Board recognizes the ARCH/LA/PG Committee’s proposed solution to eliminate the use of “Professional Architect” on future seals. The Board held discussion regarding the appropriate timeline for a licensee’s status to be suspended due to not providing the Board their seal. By motion of Mr. Johnson, seconded by Mr. Graham, the Board voted for the licensees to receive a second written notice requesting their seal if they have not submitted it to the Board within thirty days of licensure; this second notice is to contain an announcement of license suspension if no seal is received in thirty days from the date of the letter, and the letter is to outline the reinstatement process for the licensee.

B. Transfer from KSBTP Fee Fund to KSBTP Special Litigation Fund

No action taken.

XII. NEW BUSINESS

A. Transition to Paperless Board Meetings

Ms. Lopez provided presentation for the Board displaying the process and cost savings of moving to electronic materials. The Board discussed preference in varying electronic materials. By motion of Mr. Johnson, seconded by Mr. Graham, the Board voted to approve paperless Board meetings.

B. Policy/Procedures Review

The Board discussed continuing education audit procedure and notification of the Complaint Committee and/or the appropriate professions committee if the continuing education credits are absent or disallowed. A committee of three Board members was organized to review the current auditing procedure.

C. Request from The Cadmus Group, Inc. for course verification for CE

By motion of Mr. Brosemer, seconded by Mr. Mancini, the Board voted to have Ms. Lopez provide correspondence to The Cadmus Group, Inc. stating that the Board will not pre-approve continuing education.

D. Upcoming board meeting dates:

1. February 16 and 17, 2017 – Licensure Ceremony – Topeka KS
2. April 27 and 28, 2017
3. July 13 and 14, 2017 – Licensure Ceremony – Topeka KS

XIII. ADJOURN

By motion of Mr. Graham, seconded by Mr. Bowersox the meeting adjourned at 1:05 p.m.

Prepared by:

Attest by:

Submitted by:

Sarah Easter
Assistant Director

Eric Wimmer
Secretary for the Board

Shelby Lopez
Executive Director